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OFFICE OF PETITIONS

In re Application of	:	
Gordon	:	
Application No. 09/805,313	:	ON PETITION
Filed: March 13, 2001	:	
Attorney Docket No. GOR05 P-300A	:	
For: CLEANING ARTICLES	:	

This is a decision on the petition under 37 CFR 1.181, filed December 27, 2005 (certificate of mailing date December 12, 2005), requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

This application was held abandoned for failure to seek court review of the Board of Patent Appeals and Interferences Decision on Appeal within two months of the April 25, 2005 decision. The Office contended this application became abandoned on June 26, 2005. A Notice of Abandonment was mailed on November 14, 2005.

Petitioner argues that the November 14, 2005 Notice of Abandonment was mailed prematurely and in error. The Notice of Abandonment stated that the application became abandoned for failure to seek court review within two months of the April 25, 2005 Board of Patent Appeals and Interferences decision. It is noted that there are no allowed claims in the application.

Instead of seeking court review, applicant submitted a Request for Rehearing of the decision on June 24, 2005, which was within two months of the Board's April 25, 2005 decision.

On October 13, 2005, the Board rendered a decision on the Request for Rehearing.

The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is two months from the date of the decision of the Board of Patent Appeals and Interferences. If a request for rehearing or reconsideration of the decision is filed within the time period provided under § 41.52(a), § 41.79(a), or § 41.127(d) of

this title, the time for filing an appeal or commencing a civil action shall expire two months after action on the request. 37 CFR 1.304(a)(1)

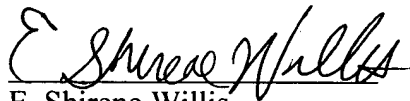
Therefore, because court review was not sought, the application became abandoned two months after the Board's October 13, 2005 decision on the Request for Rehearing.

The petition is dismissed because, although the November 14, 2005 Notice of Abandonment was mailed prematurely and contained erroneous information, the application is nevertheless abandoned. However, the date of abandonment is important because continuation application no. 11/299,639 was filed on December 12, 2005. The date of abandonment of application no. 09/805,313 is December 14, 2005.

No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be forwarded to Files Repository.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



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